

# Notice of Allowability

Application No.

10/750,270

Examiner

Felix E. Suarez

Applicant(s)

GENSHAW, MARVIN A.

Art Unit

2857

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and response filed 13 November 2006.
2. ☒ The allowed claim(s) is/are 1-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Allowable Subject Matter***

1. Claims 1-46 are allowable.
2. The following is a statement of reasons for the indication of

allowable subject matter:

Claims 1-46 are allowable because the prior art, particularly Charlton et al. [U.S. Patent No. 5,856,195] (hereafter Charlton), Drucker et al. [U.S. Patent No. 7,041,468] (hereafter Druker), Douglas et al. [U.S. Patent No. 6,106,780] (hereafter Douglas '780), Heller et al. [U.S. Patent No. 6,560,471] (hereafter Heller), Douglas et al. [U.S. Patent No. 6,750,962] (hereafter Douglas '962), Deweese et al. [U.S. Patent No. 6,377,894] (hereafter Deweese) and Allen [U.S. Patent No. 5,580,794] fail to teach or suggest a test device (or system) for determining the concentration of an analyte in a sample, the test device having a memory in which a plurality of calibration adjustments corresponding to a plurality of calibration numbers are stored, the test device being adapted to receive a test sensor for collecting the sample, the test sensor containing a reagent adapted to produce a reaction indicative of the concentration of the analyte in the body fluid, the test sensor having an associated calibration number of a plurality of digits, the device comprising:

a single calibration input element for permitting a user to input the calibration number, one digit at a time, associated with the test sensor.

Charlton, Druker, Douglas '780, Heller, Douglas '962, Deweese and Allen also fail to teach or suggest a method for entering a multiple-digit calibration number into a test device, the test device having a memory in which a plurality of calibration adjustments corresponding to a plurality of calibration numbers are stored, the test device being adapted to receive a test sensor for collecting a sample, the test sensor containing a reagent adapted to produce a reaction indicative of the analyte concentration in the sample, the test sensor having an associated calibration number, the method comprising the acts of:

prompting a user, via a user display, to enter a digit of the calibration number; nor

receiving input from the user, via a single calibration input element, indicative of the calibration number, one digit at a time.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

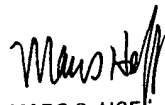
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is

Art Unit: 2857

assigned is 571-273-8300 for regular communications and for After Final communications.

December 5, 2006

F.S.

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800